

REMARKS

Claims 1-35, all the claims pending in the application, stand rejected. Claims 10, 13, 16, 26, 28 and 30 are cancelled. Claims 1, 5, 8, 9, 11, 14, 15, 17-22, 25, 27, 29, 31 and 32 are amended. New claim 36 is added.

Request for Withdrawal of Finality as Premature

As a preliminary matter, Applicants note that the Examiner has withdrawn the finality of the previous Office Action in light of the filing of an RCE and Amendment of the claims under Rule 114(c) on March 25, 2003. Notwithstanding the Applicant's submission of amended claims and the Examiner's enhanced interpretation of the prior art in the present Office Action, following an interview with the Applicant's representative to explain the rejection, the present Office Action has been held final. Applicants respectfully request that the holding of finality be withdrawn as premature pursuant to MPEP 706.07(d).

In the Rule 114(c) amendment, Applicants made amendments that were believed to overcome the prior art, based on the Examiner's interpretation of the references as advanced during the interview conducted on March 11, 2004. Specifically, Applicants attempted to define the special connection music of the claimed invention as being "shorter duration" than the original music. In explaining the Examiner's new interpretation of the rejection based on Fig. 7B alone in Sone, which abandoned reliance on Fig. 7C, the Examiner did not raise the issue that three original songs of different lengths, where the shorter one is viewed as a connection music, could be combined. Applicants amended the claims and presented new arguments that were believed to distinguish over the cited art. In the present Office Action, the Examiner first presented the interpretation involving the application of Fig. 7B to a play with three songs, a middle song being substantially shorter and viewed as the connection music. This is the first opportunity for Applicants to reply, and they have done so with a substantive change and narrowing of the claims. Applicants submit that this amendment should be entered and fully

considered by the Examiner, and first made final after such consideration, if allowance is not warranted.

Claim Rejections - 35 U.S.C. § 103

Claims 1-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sone (5,919,047) in view of Tsai et al (6,352,432). This rejection is traversed for at least the following reasons.

As a preliminary matter, Applicants note that the Examiner repeats the basis for rejection of claims 1-35 that appeared in the Office Action dated November 25, 2003. The Examiner's current position is that a sequence of three original music pieces played as a melody of songs in accordance with Fig. 7B of Sone would be relevant to the claimed invention. The Examiner contends that, if three original pieces are played in a medley according to Fig. 7B of Sone, an original piece of music that is played between two other original pieces in a medley can be considered as a "connection piece" and could be a short original piece as compared to the other pieces. The Examiner gives examples of one well known piece that plays for eight minutes while a second original piece plays for 23 seconds. Thus, the Examiner does not find the difference in duration to be a basis for patentability.

Applicants have amended the claims to reflect the following characteristic points of the invention. Applicants submit that these expressly claimed characteristics are not found in the prior art.

First, each piece of original music is assigned connection music in advance, that is the relationship is predetermined. In particular, with reference to Fig.4 of the present application, the original music data and the connection music data are stored in the CD-ROM 25. The original music data and connection music data, while stored as separate pieces, have a predetermined association with each other as game music data. With regard to a key feature of the invention, the connection music is played before the associated original music in connection with a timing control using the timing TP as illustrated, which is specified by timing data, as explained at least at page 22, line 14.

Applicants respectfully submit that none of the cited art teaches that original music and

connection music in a game machine environment are stored in combination with each other or have a “predetermined” relationship. At best, the prior art teaches that one or more original music pieces, with or without connection music, are simply stored in same device or medium. However, none of the prior art teaches the existence of a specific predefined relation between original music and connection music, and certainly, none on the basis of predetermined stored timing data in the connection music.

Second, an original music reproduction start timing TP is defined for each piece of connection music. As shown in Fig.4, the timing TP constitutes a “game music data” and comprises the combination of original music data and the connection music data.

Third, a timing control using a predefined timing TP, as illustrated in Fig. 5 and Fig. 7, is characteristic of the present application. When timing TP arrives, the CPU 14 instructs the CD-ROM reader 24 to read out the associated original music data, and the CD-ROM reader 24 begins to read data of the preamble.

Applicants have amended the claims for a game machine, a game music output method, an information storage medium storing a program, such that they now include the above characteristic points of the invention. The existence of a predetermined relationship between the original music and the connection music, as stored, is expressly stated. In addition, the use of predetermined timing data in the connection music is specified.

On the basis of these claim amendments, it is clear that each piece of connection music has a predetermined association with second original music as stored, that is, the original music is played after the connection music. The focus of the invention is on the association between the connection music and the subsequent original music. Thus, Applicants have deleted claims related only to an association with first original music (i.e, original music played before the connection music).

In this regard, the Examiner also asserts that the Applicant defines connection music as referring to music that joins only two pieces, based on remarks at page 15, and further asserts that the invention may be limited to two original pieces. Applicant has not taken the position that the connection music is only music that joins two main pieces in a manner that will “fill the silence gap” between two main pieces. While a connection piece typically joins two original pieces,

Amendment Under 37 C.F.R. § 1.116
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such piece is not limited thereto, as would be clear to one skilled in the art from reading the specification, particularly at page 21, line 4, and at least original claim 17. Consistent with that original scope, but with a current narrower focus, Applicants have defined the invention as based upon the predetermined relationship, including timing information, between a connection piece and a subsequent original piece. In operation, a game system could go from one original piece directly to a connection piece without transition and then go from the connection piece to the second original piece using the transition of the present invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

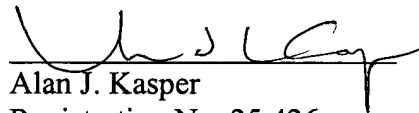
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